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PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/783,607	
	Filing Date	February 19, 2004	
	First Named Inventor	Weckwerth et al.	
	Art Unit	3739	
	Examiner Name	Not assigned yet	
Total Number of Pages in This Submission	16+	Attorney Docket Number	354806-991300

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fifty-nine references Return postcard
Remarks The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 07-1896. A duplicate copy of this sheet is enclosed. Customer No. 26379		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	DLA Piper Rudnick Gray Cary US LLP		
Signature			
Printed name	Alan A. Limbach		
Date	February 17, 2006	Reg. No.	39,749

CERTIFICATE OF TRANSMISSION/MAILING			
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO

Complete if Known

Application Number	10/783,607
Filing Date	February 19, 2004
First Named Inventor	Weckwerth et al.
Art Unit	3739
Examiner Name	Not assigned yet
Attorney Docket Number	354806-991300 (2502187-991300)

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 14

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying Form SB/08a, SB/08b for consideration by the Examiner in connection with the examination of the above-identified patent application.

This Information Disclosure Statement:

- (a) ☐ accompanies a new patent application submitted herewith.
- (b) ☒ is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; **OR**
- (c) ☐ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below **OR**
- (d) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, and the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(l)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below.
This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- (e) ☐ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- (f) ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

It is respectfully requested that each of the references shown on the attached PTO/SB/08a and PTO/SB/08b be made of record in this application.

Pursuant to notice entitled "Information Disclosure Statements May Be Filed Without Copies Of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003," *Off. Gaz. Pat. Office* 55 (August 5, 2003), no copies of U.S. Patents and U.S. Published Patent Applications are being supplied with this Information Disclosure Statement.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/783,607
		Filing Date	February 19, 2004
		First Named Inventor	Weckwerth et al.
		Art Unit	3739
		Examiner Name	Not assigned yet
Sheet 2	of 14	Attorney Docket Number	354806-991300 (2502187-991300)

Each item of information listed in the attached FORM PTO/SB/08a, and FORM PTO/SB/08b may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR 1.56, 1.97 and 1.98. The Examiner is requested to make these items of official record in this application.

This Information Disclosure Statement under 37 CFR 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this submission as a conditional petition for acceptance of the information disclosure statement.

The Commissioner is authorized to charge any deficiencies and credit any overpayment of fees to our Deposit Account No. 07-1896

Date: Feb. 17, 2006

Respectfully submitted,

DLA Piper Rudnick Gray Cary US LLP

By: [Signature]
 Alan A. Limbach
 Reg. No. 39,749
 Attorneys for Applicant(s)

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 Kathleen LaBrie

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				Art Unit	3739
				Examiner Name	Not assigned yet
Sheet	3	of	14	Attorney Docket Number	354806-991300 (2502187-991300)

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		10/794,676	03-03-04	Weckworth et al.	
		R 36,634	03-28-00	Ghaffari	
		3,307,533	03-07-67	Liebner	
		3,538,919	11-10-70	Meyer	
		3,622,743	11-23-71	Muncheryan	
		3,693,623	09-26-72	Harte	
		3,821,510	06-28-74	Muncheryan	
		3,834,391	09-10-74	Block	
		4,232,678	11-11-80	Skovajsa	
		4,388,924	06-21-83	Weismann	
		4,354,092	10-12-82	Manabe et al.	
		4,423,736	01-03-84	DeWitt et al.	
		4,846,184	07-11-89	Comment et al.	
		4,551,628	11-05-80	Grossman	
		4,573,466	03-04-86	Simada et al.	
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		4,608,978	09-02-86	Rohr	
		4,617,926	10-21-86	Sutton	
		4,690,141	09-01-87	Castel	
		4,733,660	03-29-88	Itzkan	
		4,829,262	05-09-89	Furumoto	
		4,905,690	03-90	Ohshiro et al.	
		4,930,504	06-05-90	Diamantopoulos et al.	
		5,057,104	10-15-91	Chess	
		5,059,192	10-22-91	Zaias	
		5,075,971	12-31-91	McCambridge	
		5,109,465	04-28-92	Klopotek	
		5,226,907	07-13-93	Tankovich	
		5,259,380	11-09-93	Mendes et al.	
		5,282,797	02-01-94	Chess	
		5,344,418	09-06-94	Ghaffari	
		5,360,426	11-01-94	Muller et al.	
		5,401,270	03-28-95	Mueller	
		5,405,368	04-11-95	Eckhouse	
		5,425,728	06-20-95	Tankovich	
		5,431,647	07-11-95	Purcell, Jr.	

Examiner:	Date Considered:
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP '609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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				Filing Date	February 19, 2004
				First Named Inventor	Weckwerth et al.
				Art Unit	3739
				Examiner Name	Not assigned yet
Sheet	4	of	14	Attorney Docket Number	354806-991300 (2502187-991300)

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		5,464,434	11-07-95	Alt	
		5,464,436	11-07-95	Smith	
		5,486,172	01-23-96	Chess	
		5,519,534	05-21-96	Smith	
		5,549,660	08-27-96	Mendes et al.	
		5,556,612	09-17-96	Anderson	
		5,595,568	01-21-97	Anderson et al.	
		5,606,798	03-04-97	Kelman	
		5,624,435	04-29-97	Furumoto	
		5,628,744	05-13-97	Colman et al.	
		5,630,811	05-20-97	Miller	
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		5,643,252	07-01-97	Waner et al.	
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		5,669,916	09-23-97	Anderson	
		5,683,380	11-04-97	Eckhouse	
		5,700,240	12-23-97	Barwick, Jr.	
		5,707,403	01-13-98	Grove	
		5,728,090	03-17-98	Martin	
		5,735,844	04-07-98	Anderson et al.	
		5,743,901	04-28-98	Grove	
		5,752,948	05-19-98	Tankovich	
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		5,766,214	06-19-98	Mehl, Sr.	
		5,769,844	06-23-98	Ghaffari	
		5,817,089	10-06-98	Tankovich	
		5,820,625	10-13-98	Izawa	
		5,824,023	10-20-98	Anderson	
		5,843,072	12-01-98	Furumoto	
		5,846,252	12-08-98	Mehl, Sr.	
		5,849,029	12-15-98	Eckhouse	
		5,853,407	12-29-98	Miller	
		5,868,732	02-09-99	Waldman	

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Sheet	5	of	14	Attorney Docket Number	354806-991300 (2502187-991300)

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		5,871,479	02-16-99	Furumoto	
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		5,879,346	03-09-99	Waldman	
		5,885,273	03-23-99	Eckhouse	
		5,966,210	10-12-99	Roscow et al.	
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		5,989,267	11-23-99	Anderson	
		6,015,404	01-18-00	Altshuler	
		6,059,765	05-09-00	Cole	
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		6,280,438	08-28-01	Eckhouse	
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		6,436,127	08-20-02	Anderson et al.	
		6,440,122	08-27-02	Shimoji	
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		6,494,900	12-2002	Salansky et al.	

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				Art Unit	3739
				Examiner Name	Not assigned yet
Sheet	6	of	14	Attorney Docket Number	354806-991300 (2502187-991300)

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		6,508,813	01-21-03	Altshuler	
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		6,514,242	02-04-03	Vasily	
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		2002-0161357	10-31-02	Anderson et al.	
		2002-0161418	10-31-02	Wilkens et al.	

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Sheet	7	of	14	Attorney Docket Number	354806-991300 (2502187-991300)

U. S. PATENT DOCUMENTS					
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		2002-0173780	11-21-02	Altshuler	
		2002-0173833	11-21-02	Korman et al.	
		2002-0183811 A1	12-05-02	Irwin	
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		2003-0233138 A1	12-18-03	Spooner	
		2004-0006328	01-08-04	Anderson	
		2004-0010298	01-15-04	Altshuler	
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		2004-0034319	02-19-04	Anderson et al.	
		2004-0034341	02-19-04	Altshuler et al.	
		2004-0036975	02-26-04	Slatkine	
		2004-0073079	04-15-04	Altshuler et al.	
		2004-0093042	05-13-04	Altshuler et al.	
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		2004-0167499	02-19-04	Grove	
		2004-0167501	08-26-04	Island	

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Sheet	8	of	14		

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		2004-0167502	08-26-04	Weckwerth et al.	
		2004-0167592	08-26-04	Grove et al.	
		2004-0176754	09-09-04	Island et al.	
		2004-0176823	09-09-04	Island et al.	
		2004-0225339	11-2004	Yaroslavsky et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Number Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		CN 2442726U	08-15-01	Jianping		
		DE 196 29 978 A1	01-29-98	Renner		
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				Filing Date	February 19, 2004
				First Named Inventor	Weckwerth et al.
				Art Unit	3739
				Examiner Name	Not assigned yet
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		Predicate Devices: CoolGlide Excel YAG Laser by Altus, Inc.		

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		Predicate Devices: Laser Diode Bar Packages, part no. ASM06C040W080810B80, Cutting Edge Optronics, of St. Charles, MO	
		Predicate Devices: Part no. HX8-101 or FAN-101, or CP 0.8-31-06L, from Melcor	
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